

1                               (Whereupon, the following  
2                               proceedings were had out of  
3                               in camera.)

4               PEOPLES GAS OPERATOR:   And your phone number,  
5   ma'am.

6               [!EZ SPEAKER 02]:   Too many numbers here.  
7   (773) 489-4011.

8               PEOPLES GAS OPERATOR:   Thank you.

9                       Did you want to leave an alternate  
10   number or an e-mail address on the account.

11              [!EZ SPEAKER 02]:   No, that's all right.

12              PEOPLES GAS OPERATOR:   That's okay.

13                       Did you already apply for service?

14              [!EZ SPEAKER 02]:   I called in yesterday and  
15   then it got so bizarre that I just said, Forget it.  
16   And now I'm calling back now.   She had my head  
17   spinning.

18                       Is everything still in the system?

19              PEOPLES GAS OPERATOR:   It was cancelled out.

20              [!EZ SPEAKER 02]:   Okay.

21              PEOPLES GAS OPERATOR:   But you do want me to  
22   redo it; right?

1           [!EZ SPEAKER 02]: Yes, please.

2           PEOPLES GAS OPERATOR: If you can bear with me

3 just one second.

4           [!EZ SPEAKER 02]: What was your name, again?

5 I'm sorry.

6           PEOPLES GAS OPERATOR: Dina, D-i-n-a.

7                   And when do you want the service in

8 your name, ma'am?

9           [!EZ SPEAKER 02]: How about tonight?

10          PEOPLES GAS OPERATOR: As soon as possible?

11          [!EZ SPEAKER 02]: Yeah.

12          PEOPLES GAS OPERATOR: Do you currently have

13 gas there?

14          [!EZ SPEAKER 02]: Yes, she said it would be

15 right away.

16          PEOPLES GAS OPERATOR: But do you have gas

17 there right now?

18          [!EZ SPEAKER 02]: No. No, we don't.

19          PEOPLES GAS OPERATOR: Actually, ma'am, there

20 aren't even any meters there so we have to schedule

21 an appointment. It will not be that quick.

22          [!EZ SPEAKER 02]: There's meters.

1           PEOPLES GAS OPERATOR: According to our  
2 records, there are no small meters at that premise.  
3 Bear with me. Bear with me one moment, ma'am.  
4           [!EZ SPEAKER 02]: Sure.  
5           PEOPLES GAS OPERATOR: I'm sorry.  
6           [!EZ SPEAKER 02]: The only reason I know is  
7 the people upstairs had it put on two days ago,  
8 their's put on. The meters are all in a row.  
9           PEOPLES GAS OPERATOR: Hang in there. I'm  
10 sorry, ma'am.  
11          [!EZ SPEAKER 02]: I'm not going anywhere.  
12 You're doing all the work. I'm just sitting here.  
13          PEOPLES GAS OPERATOR: And you did say 2 Rear;  
14 right?  
15          [!EZ SPEAKER 02]: Yes. Yes.  
16          PEOPLES GAS OPERATOR: I'm just waiting for the  
17 information to process.  
18          [!EZ SPEAKER 02]: Okay.  
19          PEOPLES GAS OPERATOR: Ma'am, I'm going to have  
20 you hold on for me just a minute, okay, while I work  
21 on this. Is that okay with you?  
22          [!EZ SPEAKER 02]: Sure.

1           PEOPLES GAS OPERATOR:   Thank you.

2                                   (Whereupon, non call recorded

3                                   colloquy was had.)

4           JUDGE DOLAN:   Well, again, while we're on -- I

5   want to mark that part confidential with the Social

6   Security --

7           [!EZ SPEAKER 01]:   Absolutely.

8           JUDGE DOLAN:   -- and they haven't asked for the

9   driver's license this time or ID, but...

10                               Can't speed it up?

11           THE WITNESS:   Well, this is 11 minutes -- this

12   call is 11 minutes and I don't know where to go to

13   where it picks it up.

14                               (Whereupon, call recorded

15                               resumes.)

16           PEOPLES GAS OPERATOR:   Ma'am?

17           [!EZ SPEAKER 02]:   Yes.

18           PEOPLES GAS OPERATOR:   Thank you so much for

19   holding for me.   I appreciate your patience.

20                               Okay.   The service at that location is

21   on.   So we're just going to switch it into your name.

22           [!EZ SPEAKER 02]:   Oh, okay.

1           PEOPLES GAS OPERATOR:   Okay.   There will be a  
2   security deposit of \$119.

3           [!EZ SPEAKER 02]:   Okay.

4           PEOPLES GAS OPERATOR:   The deposit will be  
5   billed in three separate installments.   The first one  
6   is \$39 that's due within 21 days.   And the next two  
7   installments will be billed with your bills.

8           [!EZ SPEAKER 02]:   Okay.

9           PEOPLES GAS OPERATOR:   Okay.   So that's already  
10   entered into the system and the account is already  
11   now put in your name.

12                           Are you renting here?

13           [!EZ SPEAKER 02]:   Yes.

14           PEOPLES GAS OPERATOR:   And who's the landlord,  
15   please?

16           [!EZ SPEAKER 02]:   Oh, hold on a minute.   Okay?

17           PEOPLES GAS OPERATOR:   Okay.

18           [!EZ SPEAKER 02]:   Are you ready?

19           PEOPLES GAS OPERATOR:   Yes, ma'am.

20           [!EZ SPEAKER 02]:   S-r-i- --

21           PEOPLES GAS OPERATOR:   That's his first name?

22           [!EZ SPEAKER 02]:   No, this is his last name.

1           PEOPLES GAS OPERATOR:   S like Sam?

2           [!EZ SPEAKER 02]:   Yes, R like Robert.

3           PEOPLES GAS OPERATOR:   I?

4           [!EZ SPEAKER 02]:   Uh-huh.   C-h-i-n-v-a.

5           PEOPLES GAS OPERATOR:   And is the first name?

6           [!EZ SPEAKER 02]:   Stephan.

7           PEOPLES GAS OPERATOR:   Thank you.

8           [!EZ SPEAKER 02]:   Don't ask me how you

9   pronounce the last name.   I have no idea.

10          PEOPLES GAS OPERATOR:   Better that you spelled

11   it.

12                           Do you have a phone number for him, by

13   chance?

14          [!EZ SPEAKER 02]:   (312) 909-1050.

15          PEOPLES GAS OPERATOR:   Is that a home, work or

16   cell?

17          [!EZ SPEAKER 02]:   Cell phone.

18          PEOPLES GAS OPERATOR:   Thank you.

19                           Did you want me to send you some

20   information about the automatic payment plans where

21   your bills can be deducted by checking or savings

22   every month?

1           [!EZ SPEAKER 02]: No, thank you.

2           PEOPLES GAS OPERATOR: Are you interested in  
3 doing a budget plan here, ma'am?

4           [!EZ SPEAKER 02]: Well, I'm going to go  
5 through IHEAP (sic) and all that. Hopefully I'm not  
6 going to need anything.

7           PEOPLES GAS OPERATOR: Okay. Did you -- well,  
8 with the budget we take a year's worth of bills and  
9 divide them out into 12 equal months so you pretty  
10 much get the same thing year round. But it's  
11 optional. It's up to you, ma'am. But do you want  
12 the number to CEDA?

13          [!EZ SPEAKER 02]: I have all those numbers. I  
14 couldn't go through them until I established service  
15 first. But, yeah, do the budget thing for now just  
16 in case I don't get it.

17          PEOPLES GAS OPERATOR: Okay.

18          [!EZ SPEAKER 02]: So I can start using the gas  
19 right now?

20          PEOPLES GAS OPERATOR: Yes, ma'am. It should  
21 be on already.

22          [!EZ SPEAKER 02]: Okay.

1           PEOPLES GAS OPERATOR: Now, the budget --  
2   again, we base it on usage at that location for the  
3   last 12 months and what we expect the price of gas to  
4   be over the next 12 months under normal weather  
5   conditions. Okay? So in this particular case, let  
6   me tell you what the budget will be. But we'll also  
7   monitor the budget monthly to make sure your usage  
8   and the price of gas is consistent with what we're  
9   expecting. If not, the budget may increase. But it  
10  will be \$60 per month right now. Did you want me to  
11  set it up?

12           [!EZ SPEAKER 02]: Yes, please.

13           PEOPLES GAS OPERATOR: Okay. That has been  
14  done.

15                   And I'm sorry, what was that other  
16  thing you asked me? I'm sorry.

17           [!EZ SPEAKER 02]: The meters are locked so the  
18  gas isn't on.

19           PEOPLES GAS OPERATOR: You don't have any gas?

20           [!EZ SPEAKER 02]: No.

21           PEOPLES GAS OPERATOR: Okay. Then what I can  
22  do, ma'am, is I can go ahead and schedule the



1     appointment because according to our records, the  
2     service is on.

3                     Do you have hot water?

4             [!EZ SPEAKER 02]: No, we don't have hot water.  
5     No, that, I know, I just washed my hair. It's ice  
6     cold.

7             PEOPLES GAS OPERATOR: Okay. Then I'm going to  
8     go ahead and schedule the appointment, ma'am. Okay?

9             [!EZ SPEAKER 02]: Okay.

10            PEOPLES GAS OPERATOR: There will be a \$16.24  
11    activation fee.

12            [!EZ SPEAKER 02]: Why do we have to activate  
13    it if you just said it was on?

14            PEOPLES GAS OPERATOR: Well, ma'am, you're  
15    telling me that it's not on.

16            [!EZ SPEAKER 02]: Well, all we needed the guy  
17    to do is take the lock off.

18            PEOPLES GAS OPERATOR: Well, if we have to come  
19    out there, it is \$16.24 and it is an activation then.  
20    The first available date for that is the 11th, which  
21    is Wednesday, ma'am, between 11:30 and 3:30.

22            [!EZ SPEAKER 02]: She told me I could have it

1       today.

2               PEOPLES GAS OPERATOR:   You cancelled your order

3       yesterday, ma'am --

4               [!EZ SPEAKER 02]:   Yeah.

5               PEOPLES GAS OPERATOR:   I don't have any orders

6       available.   Elizabeth handled your account yesterday.

7       She did not mention anything about anything being

8       available today, ma'am.

9               [!EZ SPEAKER 02]:   Well, can we just unlock

10      this ourselves?

11              PEOPLES GAS OPERATOR:   No, ma'am.

12              [!EZ SPEAKER 02]:   I'm on disability and

13      there's little kids here.

14              PEOPLES GAS OPERATOR:   I apologize, ma'am.

15      That's the first available date.   Did you want me to

16      schedule you for that day?

17              [!EZ SPEAKER 02]:   Yes, and then could you get

18      a supervisor on?

19              PEOPLES GAS OPERATOR:   I can have a supervisor

20      call you back.   It's late in the day, I have one

21      supervisor who's going to call back the orders and

22      repeats.   Would you like a call back?

1           [!EZ SPEAKER 02]: Yes, please.

2           PEOPLES GAS OPERATOR: The number I have here?

3           [!EZ SPEAKER 02]: No, let me give you another

4   number.

5           PEOPLES GAS OPERATOR: Okay.

6           [!EZ SPEAKER 02]: (847) 533-1889.

7           PEOPLES GAS OPERATOR: Okay. And when we come

8   out there for our appointment, is this the number we

9   can reach you at?

10          [!EZ SPEAKER 02]: Yes, either one of those.

11          PEOPLES GAS OPERATOR: Okay. Do we ring the

12   bell for 2 Rear when we come out there?

13          [!EZ SPEAKER 02]: Yes. Oh, yeah, they have to

14   come through the back. Through the -- there's no

15   doorbell. It's hooked up yet. There's a parking lot

16   in the back of the building.

17                   What were the hours that they were

18   coming?

19          PEOPLES GAS OPERATOR: Between 11:30 and 3:30,

20   ma'am.

21                   Okay. And I will have a supervisor

22   call you back at that number that you gave me.

1                   Anything else?

2           [!EZ SPEAKER 02]: Oh, you know what? Can we  
3 do to it for Tuesday because the guy across the hall,  
4 they're coming Tuesday for his?

5           PEOPLES GAS OPERATOR: There's no available  
6 hours, ma'am. I wish there was, but there isn't.  
7 Sorry.

8           [!EZ SPEAKER 02]: Why can't you just link them  
9 together?

10          PEOPLES GAS OPERATOR: I can't do that, ma'am.  
11 They have a workload they have to complete every day.

12          [!EZ SPEAKER 02]: Can I have a supervisor --  
13 will that be tonight that they'll call back?

14          PEOPLES GAS OPERATOR: I can't promise, ma'am.  
15 It may be 24 hours.

16          [!EZ SPEAKER 02]: Okay.

17          PEOPLES GAS OPERATOR: Have a good day. Thank  
18 you for calling Peoples Gas.

19                                   (Whereupon, the October 4, 2006  
20                                   call recorded ends.)

21          THE WITNESS: These are the four calls that we  
22 have recorded. As we heard -- actually the third

1 call that we heard, which was the one taken on  
2 October 3rd was taken by Liz, one of our  
3 representatives, for the initial request that she  
4 wanted to have the service turned on. At the time  
5 she was quoted that she had to pay a \$119 deposit.  
6 She said she didn't want the account on. She said  
7 cancel the order.

8                   The last call we heard, which was the  
9 fourth call, was the call that was placed at the time  
10 she called the next day to open up the account with  
11 us. And the order, at that time, was scheduled by  
12 Dina for the date of October the 11th, which was the  
13 next available date that was available the time she  
14 issued the order.

15                   The second call we heard -- which  
16 would really be the third call in time order -- was a  
17 call that was placed, and Miss Kaupert asked for our  
18 executive office's phone number. She wanted to call  
19 the executive office to possibly ask to get the gas  
20 turned on earlier instead of the 11th. And that call  
21 was place at 8:44 a.m. on October 5th.

22                   Now, part of Respondent's Exhibit No.

1     2, if we look at Page 6, we'll see that we have a  
2     panel print of what we would call the customer  
3     comments panel. What that panel does, it puts down  
4     any pertinent information on a customer's call that  
5     is able to be seen by other representatives that the  
6     customer calls back at a later date or whatever.  
7     This is showing that on October 5th at 9:05 a.m.,  
8     Miss Kaupert called back and she was asking to have  
9     an early date for turn on other than the October 11th  
10    date that she was originally given. States that she  
11    insisted on having service turned on today. It was  
12    not going to happen. She said she will continue to  
13    call back so she can get her gas turned on. This was  
14    taken on -- this notation was put on the account as  
15    of October 5th at 9:05 a.m.

16                   The first call that we heard was the  
17    one taken on 9:08, which is also part of Respondent's  
18    Exhibit No. 3 which --

19           [!EZ SPEAKER 01]: We haven't made copies of  
20    yet.

21           THE WITNESS: -- we haven't made copies of --  
22    which will show that on October 5th Miss Kaupert

1     called in and what we issued was what we called a no  
2     gas order because she mentioned that she had no gas.  
3     She needed to have the gas turned on right then and  
4     there. And that in order for us to gain access, she  
5     gave the serviceperson specific instructions on where  
6     to go, honk the horn in the back to get the gas on.

7                     These calls will indicate that she had  
8     called at least two times. First time, again, the  
9     original application she applied for was cancelled.  
10    The second time she called they took the application,  
11    the service started in her name. And based on the  
12    emergency order that was issued on October 5th, our  
13    serviceperson went out there, took the lock off the  
14    meter, which at that time started the service for  
15    Miss Kaupert.

16            JUDGE DOLAN: What was that date that started  
17    service?

18            THE WITNESS: October 5th.

19                     Also, if I can show you on  
20    Respondent's Exhibit No. 2 just so everybody  
21    understands what we're saying here is on Page No. 2  
22    on the second page what this panel is, what this

1 represents is like a transaction history of  
2 everything that happened on the account. If we look  
3 all the way down to the bottom, the first line on the  
4 bottom says, Service orders, with a time of 5:40 p.m.  
5 with a date of October 4th. This is the call that  
6 Dina took, who we just heard her -- we heard the  
7 conversation which was the last call. This is when  
8 the second application was taken from Miss Kaupert  
9 that Dina talked to her and set up the date for the  
10 original turn on, being October 11th, which then got  
11 done and scheduled on the emergency order on  
12 October 5th.

13 So this will show you the time line  
14 and all the other transactions that occurred on this  
15 account after October 5th, which will also show the  
16 billings each month, what the bill was that was sent  
17 out to Miss Kaupert.

18 BY [!EZ SPEAKER 01]:

19 Q Now, Mr. Riordan, with respect to  
20 Respondent Exhibits 1, 2 and 3, these exhibits are  
21 part of the books and records of Peoples Gas; is that  
22 right?



1           A     Yes, they are.

2           Q     And they're kept in Peoples Gas ordinary  
3     course of business?

4           A     Yes, they are.

5           Q     And these exhibits relate to the account of  
6     Linda Kaupert at 3273 West Armitage, 2nd floor, Rear;  
7     is that right?

8           A     Yes, it is.

9           Q     Now, in one of the conversations Miss  
10    Kaupert requested that a supervisor call her. Do you  
11    have any record of a supervisor calling Miss Kaupert?

12          A     There's nothing noted on the account that a  
13    supervisor called her back. Now, any calls made from  
14    the supervisor to a customer, those, of course, would  
15    be made from their own desk phones. Those calls  
16    would not be recorded from the desk phone. These  
17    are -- the recording calls you heard are calls made  
18    from customers coming into our customer service  
19    center.

20          Q     And you've made a search of the calls that  
21    were made to the customers service center, did you  
22    not, with respect to Miss Kaupert's account?

1           A     Yes, I did.

2           Q     And did you find any other calls made by  
3     Miss Kaupert in October of 2006, other than the calls  
4     that you've played for us this morning?

5           A     I did not, no.

6           Q     Now, there was also -- Miss Kaupert also in  
7     one of the calls requested that she talk to somebody  
8     in the executive offices.  Would that kind of a call  
9     be recorded by Peoples Gas if that call was made?

10          A     Not to the executive office.  However, the  
11     call that was placed to the executive office, Miss  
12     Kaupert spoke to a woman in Mr. Tom Nardi's office.  
13     The woman's name was Monica, who was Mr. Nardi's  
14     executive supervisor -- his executive assistant.

15          Q     Who is Mr. Nardi?

16          A     Mr. Nardi is our vice president, I believe,  
17     treasurer of Peoples Gas.

18                     So when a customer calls and wants to  
19     speak to an executive officer or an executive, the  
20     call is transferred up to one of the executive  
21     offices and the assistant, the secretarial  
22     assistant -- or whatever you want to call them --

1     will take the call from the customer and normally  
2     will call down to my area to ask us to follow up with  
3     the customer on the call that was placed to the  
4     executive office. The executive offices or the  
5     executives very seldom will talk to a customer  
6     regarding a dispute or a bill or any issue that  
7     they're not aware of. So the call is then  
8     transferred down to our area to handle.

9           Q     And do you have any record of any call  
10    being made of that nature from your area?

11           A     Back to Miss Kaupert?

12           Q     Back to Miss Kaupert.

13           A     I have a note here that I was the one that  
14    Miss Monica called on that date asking me to speak to  
15    Miss Kaupert regarding her getting the service on. I  
16    don't have that recorded call. Like I said, that  
17    call was not also a recorded call at that time. But  
18    I do remember speaking to her when she called to the  
19    executive office wanting to speak to one of our  
20    executives regarding not getting the service on at  
21    that time sooner than what the original date was,  
22    which was the 11th of October.

1           Q     And did you make arrangements on -- what  
2     was it, October 5th -- October 4th of 2006 to have  
3     Ms. Kaupert's service turned on earlier than  
4     October 11th?

5           A     I don't believe I did. I think, if  
6     anything, I would have told her the earlier date that  
7     we had available was the date the order was already  
8     scheduled for which would have been October the 11th.

9                     I don't remember the exact  
10    conversation, but I would normally tell the customer  
11    whatever date's already scheduled is the date that we  
12    have to go by.

13          Q     And yet the records of Peoples Gas indicate  
14    that service was turned on on October 5th, 2006;  
15    correct?

16          A     Yes, it was turned on at that time she  
17    called in and said that she had no gas. And they  
18    were -- they issued an emergency order. We call it  
19    "a no gas" in order to get the service on for her  
20    right then and there for her that same date,  
21    October 5th.

22               [!EZ SPEAKER 01]: Judge, we did not make a

1     copy of Respondent's Exhibit 3, other than the one we  
2     have. So we'll have to make copies of it.

3             JUDGE DOLAN: All right.

4             MR. GOLDSTEIN: I would move the admission of  
5     Respondent Exhibits 1, 2 and 3. I would ask that the  
6     disk that was played, the four telephone  
7     conversations be marked as Exhibit 4, I guess, and  
8     ask that all the exhibits be admitted into evidence.

9             JUDGE DOLAN: Any objection?

10            MS. LINDA KAUPERT: No.

11            JUDGE DOLAN: Okay. Respondent's Exhibit 1, 2,  
12     3 and 4 will be admitted into the record.

13                             (Whereupon, Respondent's Exhibit  
14                             Nos. 1-4 were admitted into  
15                             evidence.)

16            JUDGE DOLAN: Miss Kaupert, do you -- or do you  
17     rest then, Mr. Goldstein?

18            MR. GOLDSTEIN: No. I'd like to call Miss  
19     Kaupert as an adverse witness, Judge.

20            JUDGE DOLAN: Well, she probably gets an  
21     opportunity to cross-examine Mr. Riordan.

22            MR. GOLDSTEIN: I'm sorry. Let her

1 cross-examine Mr. Riordan first. Thank you.

2 JUDGE DOLAN: Do you have any questions for  
3 Mr. Riordan?

4 MS. LINDA KAUPERT: Yes.

5 CROSS-EXAMINATION

6 BY

7 MS. LINDA KAUPERT:

8 Q On -- I did find her name, the supervisor's  
9 name, on October 17th. Her name was -- I'm going to  
10 spell it, L-a-l-e-r-s-i-a. She called at 9:50 in the  
11 morning.

12 A I'm sorry. Can you spell that again.

13 Q L-a-l-e-r-s-i-a, it looks like.

14 And she confirmed that there was no  
15 service on.

16 A The only name I can think of is that -- her  
17 name would be Jolicia --

18 Q I might have --

19 A I mean, that's about the closest I can  
20 think of from what you're spelling here.

21 Q It could be. I don't know.

22 A Her name would be Jolicia.

1           Q     Like I said, it's just notes that I put  
2     down.   So it could be.

3           A     What date was that again?   I'm sorry.

4           Q     October 17th, I believe.

5           MR. GOLDSTEIN:   Ma'am, what was your question  
6     again, Miss Kaupert, so that I'm clear on the  
7     question.

8     BY [!EZ SPEAKER 02]:

9           Q     All right.   If he had any record of her  
10    returning my call.

11          A     No.   As I mentioned earlier, a call that is  
12    being made by one of the supervisors back to our  
13    customers is made from the supervisor's desk.   Those  
14    calls aren't recorded.

15          Q     Because it took them, like, forever to get  
16    a supervisor.   I mean, I was waiting days.   When I  
17    asked for the supervisor.   It took them, like, a week  
18    for them to finally call back, and that's when she  
19    finally called back.

20          MS. LINDA KAUPERT:   I don't have any more  
21    questions.

22          JUDGE DOLAN:   All right.   Mr. Goldstein.

1           MR. GOLDSTEIN: Yes, I just have a brief  
2 question of Miss Kaupert as an adverse witness.

3                   LINDA KAUPERT,  
4 a witness called by the Respondent herein, under  
5 Section 2-1102 of the Illinois Code of Civil  
6 Procedure, having been previously duly sworn,  
7 testified as follows:

8                   EXAMINATION

9                   BY

10                  MR. GOLDSTEIN:

11               Q     Miss Kaupert, you heard those four  
12 conversations that were played on the disk by  
13 Mr. Riordan. Do those four conversations truly and  
14 accurately depict what was said by both you and the  
15 various service representatives with respect to those  
16 four conversations?

17               A     In that time frame, yes.

18                  MR. GOLDSTEIN: I guess I have nothing further.

19                           Again, I move the admission of  
20 Respondent Exhibits 1, 2, 3 and 4.

21               JUDGE DOLAN: Didn't I -- I thought I already  
22 admitted them in the record.



1           THE WITNESS: I think you did.

2           [!EZ SPEAKER 01]: Sorry. I missed that.

3           JUDGE DOLAN: If not, they are, Respondent

4 Exhibits 1, 2, 3, 4 are admitted into the evidence.

5                   Do you have anything else you want to

6 add, Miss Kaupert?

7           MS. LINDA KAUPERT: No -- I guess I do. I

8 concede with the time frame that is there. They

9 don't have anything for the time frame that I'm

10 contending that everything changed. So that's where

11 the impasse is coming in.

12           JUDGE DOLAN: So you're contending that you

13 made another phone call on -- or that you spoke to

14 someone on 10/17?

15           MS. LINDA KAUPERT: Yeah, and also on the 10th.

16 I had called back on the 10th, and I don't have

17 a name. But I got confirmation that there wasn't

18 going to be service and the supervisor called back on

19 the 17th.

20           JUDGE DOLAN: So on 10/10 you called and then

21 on 10/17 you're contending that someone called you

22 back?

1           [!EZ SPEAKER 02]:   Correct.

2           JUDGE DOLAN:   And they cancelled service at  
3   that point.

4                   All right.   Is there anything else  
5   then?

6           [!EZ SPEAKER 01]:   I have nothing else, Judge.

7           JUDGE DOLAN:   And nothing else?

8           MS. LINDA KAUPERT:   Do I need it on the record  
9   about what they did with the two accounts and  
10   everything?   Or has that already been done?   I don't  
11   want to keep repeating.   I know it's been said.   I  
12   don't know if you need it in there.

13          JUDGE DOLAN:   Yeah, why don't you go ahead and  
14   just, for the record, just go ahead and explain your  
15   accounts.

16          MS. LINDA KAUPERT:   When I got the -- there was  
17   no service when I got the physician's letter for  
18   medical necessity to turn service on.   When we came  
19   back, they opened a new account, and I applied for  
20   CEDA with the -- I think it was a \$25 balance or  
21   whatever on the new account.   And when the CEDA money  
22   came in, they took it and applied it to the old

1 account, which I was contending never existed. So  
2 that's all I have to say.

3 JUDGE DOLAN: And when did you call to request  
4 service be turned back on?

5 MS. LINDA KAUPERT: I believe it was in  
6 February. I did not do a time line. I'm sorry.  
7 I'll go with their records on that one. I'm sorry.  
8 Maybe February -- I don't remember, April? I know  
9 the doctor's note was in May, if that's any help.

10 MR. JOHN RIORDAN: We received your medical  
11 certificate on May 22nd and service was reestablished  
12 on May 26th.

13 MS. LINDA KAUPERT: Okay. Thank you.

14 JUDGE DOLAN: May 20-...?

15 MR. JOHN RIORDAN: 22nd of '07.

16 JUDGE DOLAN: Okay.

17 [!EZ SPEAKER 03]: That, just so you know, your  
18 Honor, what I'm referring to here is not listed on  
19 those transcripts you have in front of you. What you  
20 have in front of is there, Exhibit No. 2, is the  
21 initial account that Miss Kaupert was given at the  
22 time she called on October 4th, I believe. Again, at

1 the time Dina took the turn on application. That was  
2 the first account that she had with us at the time  
3 the service was turned on. Her service on that  
4 account was turned off on May the 24th of '07, which  
5 is also reflected on the sheet you're looking at. At  
6 that time the service was turned off for nonpayment  
7 of that account. She then presented a medical  
8 certificate to have service turned back on because of  
9 an illness, which we did. We turned it back on  
10 because of the illness. And at that point then we  
11 gave Miss Kaupert a new account because she now had a  
12 new active account.

13 JUDGE DOLAN: And on that one, you didn't  
14 require a deposit or anything?

15 [!EZ SPEAKER 03]: On that one, the second  
16 account started in May there was a \$121 deposit  
17 requested at that time. And that's the account that  
18 the moneys from CEDA was applied to.

19 MS. LINDA KAUPERT: Can I say one thing? When  
20 I got my first bill, it was for like 700 or \$800.  
21 That's where all this started all over again because  
22 it was -- you had not split the accounts.

1           [!EZ SPEAKER 03]: Your final bill on  
2   account -- on the first account that we're referring  
3   to, the time we turned the service off on May the  
4   16th, your final balance owing on the first account  
5   which ends in 3641, the account number 3641, your  
6   final balance was \$618.61.

7           MS. LINDA KAUPERT: My June bill was, like,  
8   almost \$800.

9           [!EZ SPEAKER 03]: When your second account was  
10  opened from the medical certificate, which was May  
11  22nd, on May the 24th we transferred in what was  
12  outstanding on the first account you had with us,  
13  which was the one that was turned off for nonpayment.  
14  We transferred in that \$600 balance into your new  
15  account.

16          MS. LINDA KAUPERT: Well, on May 24th of '07,  
17  one of your customer services representatives, Tan,  
18  said that they were split, that I only owed 25.15.  
19  Because I called it in because I got this bill for  
20  \$800. And he said, No, that's the old account. That  
21  you only owe \$25.

22          [!EZ SPEAKER 03]: Do you have a bill that

1 states \$25?

2 MS. LINDA KAUPERT: No, I called in when I  
3 got -- well, actually, I do one that says -- I don't  
4 have it with me, though. The last bill I received  
5 said it was \$28 and something cents, and I think I  
6 left that one on the door.

7 [!EZ SPEAKER 03]: And I think at the time we  
8 talked, you and I, before we had the hearing, we  
9 discussed the moneys that were going to be coming in  
10 from CEDA.

11 MS. LINDA KAUPERT: One minute. I do have a  
12 bill that says 89.17 for June 14th with a new account  
13 number.

14 [!EZ SPEAKER 03]: Right. And that bill was  
15 dated as of 5/23; is that correct?

16 [!EZ SPEAKER 02]: Correct.

17 [!EZ SPEAKER 03]: That was a date prior to us  
18 transferring in the old bill. We transferred the old  
19 on in bill on 5/24.

20 [!EZ SPEAKER 02]: That's the cheap shot I'm  
21 talking about. That's why this whole thing started.

22 [!EZ SPEAKER 03]: As we talked prior to the

1     hearing, I also explained to you that, yes, we did  
2     take the money from CEDA and we did apply it to the  
3     initial bill that is in dispute.

4                     I also told you that we will  
5     determine, based on the decision and the judge, if we  
6     did anything wrong as far as taking the money from  
7     the first account that we established where you're  
8     saying you weren't -- you did not want the gas on --  
9     state you did apply for service, I think I remember  
10    telling you that depending on what the outcome would  
11    be, if it's determined that we inadvertently or we  
12    incorrectly credited your CEDA money to that  
13    outstanding debt, didn't I tell you I would make the  
14    corrections on your account?

15                   [!EZ SPEAKER 02]: Yes, you did. But you know  
16    what I told you, and I don't think I need to repeat  
17    it.

18                   [!EZ SPEAKER 03]: No, I understand what you  
19    told me. But I told you that it would be determined  
20    on what the decision is at the time the judge makes  
21    his ruling on what happened on the two accounts, the  
22    account that we started your service on in October --

1           MS. LINDA KAUPERT:   Which was what I had  
2   started explaining to you, but you didn't -- you guys  
3   just shifted this money. And at our last -- at the  
4   original hearing, that's what I said you were going  
5   to do. I knew exactly what you were going to do.  
6   And that's what you did.

7                        So, no, I did not believe you. You  
8   sounded wonderful and you were very polite and  
9   everything, but you did it before. So, I mean,  
10  that's why I said, Wait till the hearing.

11           JUDGE DOLAN: All right.

12           MS. LINDA KAUPERT: I'm done.

13           JUDGE DOLAN: Then with that, I will take this  
14  matter under advisement and I will mark this matter  
15  heard and taken.

16           [!EZ SPEAKER 01]: Thank you, Judge.

17                               (Whereupon, a discussion was had  
18                               off the record.)

19           JUDGE DOLAN: We had -- a conversation took  
20  place concerning Exhibit No. 4, which was the disk of  
21  the recorded conversations. And since it's agreed by  
22  all the parties that everything contained on the disk



1     was transcribed into the record, Mr. Goldstein has a  
2     motion.

3             MR. GOLDSTEIN:   Yes, I would move, your Honor,  
4     to withdraw Respondent's Exhibit 4 from the record.

5             JUDGE DOLAN:    Okay.   Any objection to that?

6             MS. LINDA KAUPERT:   No, that's fine.

7             JUDGE DOLAN:    All right.   Then Exhibit No. 4  
8     will be withdrawn from the record.

9                               (Whereupon, Respondent's Exhibit  
10                              No. 4 was withdrawn from  
11                              evidence.)

12            JUDGE DOLAN:    And this matter will be marked  
13     heard and taken.

14                               (Heard and taken.)

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